



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 4 1993

HR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steve Beaudoin
Facility Contact
Office of Safety and
Environmental Affairs
University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637

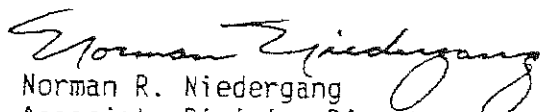
Re: Consent Agreement and
Final Order
University of Chicago
Docket No: V-W-024-92

Dear Mr. Beaudoin:

This letter is to acknowledge receipt of the Consent Agreement and Final Order (CAFO) signed by the University of Chicago. A fully executed copy of the CAFO is enclosed for your file.

Your cooperation in resolving this matter is appreciated. If you have any questions, please contact Barbara Russell of my staff at (312) 353-7922.

Sincerely yours,


Norman R. Niedergang
Associate Division Director
Office of RCRA, Waste Management Division

Enclosure

cc: Glenn Savage, IEPA
William Radlinski, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

RECEIVED
7-15-93
15 JUL 1993

IN THE MATTER OF:

UNIVERSITY OF CHICAGO
5801 SOUTH ELLIS AVENUE
CHICAGO, ILLINOIS 60637

EPA I.D. NO.: ILD 005 421 136

DOCKET NO.: V-W-024-92

CONSENT AGREEMENT AND
FINAL ORDER

PREAMBLE

On September 10, 1993, a Complaint was filed in this matter pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. Section 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is the University of Chicago, 5801 South Ellis Avenue, Chicago, Illinois 60637.

STIPULATIONS

The Parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. V-W-024-92 in this matter.

2. Respondent owns and operates a facility located at 5801 South Ellis Avenue, Chicago, Illinois 60637.

3. Respondent admits the jurisdictional allegations contained in the Complaint.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint other than admissions made in Respondent's Answer.

5. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.

6. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States district court to compel compliance with the Final Order and/or to seek an additional penalty for the non-compliance.

7. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount therein specified.

8. On March 29, 1990, U.S. EPA promulgated the HSWA mandated toxicity characteristic (TC) Rule to replace the Extraction Procedure (EP) Toxicity characteristic (EP) for the identification of hazardous waste. The TC rule adds 25 new organic constituents to the original 14 regulated EP constituents. Under the permit

modification procedures established by the TC Rule, permitted facilities that manage TC wastes must submit Class 1 permit modifications to the appropriate EPA Regional Office by the TC Rule effective date, September 25, 1990, if they are to continue managing the newly regulated TC wastes in units that require a permit. See the March 29, 1990, Federal Register (55 FR 11798).

9. This Consent Agreement and Final Order shall become effective on the date it is signed by the Director of the Waste Management Division, Region V, U.S. EPA.

FINAL ORDER

Based on the foregoing stipulations, the parties agree to the entry of the following Final Order:

- A. Respondent will maintain compliance with the conditions of its RCRA permit. Any management of hazardous waste not authorized in the RCRA permit is prohibited.
- B. A copy of all correspondence with U.S. EPA regarding this Final Order shall be submitted to the Waste Management Division, U.S. EPA, Region V, 77 West Jackson Street, Chicago, Illinois 60604, Attention: Barbara Russell, RCRA Enforcement Branch (HRE-8J) and also be submitted to Scott Phillips, Senior Attorney, Illinois Environmental Protection Agency 2200 Churchill Road, Springfield, Illinois 62706.
- C. Respondent shall pay a civil penalty in the amount of FIFTEEN THOUSAND TEN DOLLARS (\$15,010.00) payable to the Treasurer of the United States of America

within thirty (30) days of the effective date of this Order. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (MFA-10J), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (CS-3T), U.S. EPA, 77 West Jackson Blvd., Chicago, Illinois 60604-3590.

The U.S. EPA may collect interest on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms of the Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

This Order constitutes a settlement and final disposition of the Complaint filed in this case and stipulations hereinbefore recited.

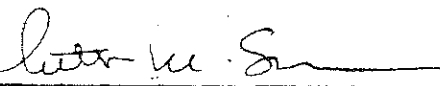
Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. Section 6973, or other statutory authority should U.S. EPA find that the handling, storage,

treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of 40 CFR Parts 124 and 270; and this Order.

SIGNATORIES

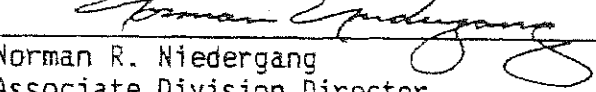
Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of 6 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such Party to this document.

Agreed to this 21st day of October, 1993.

By 
For the University of Chicago
Respondent

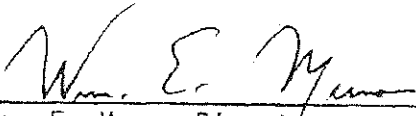
Title GENERAL COUNSEL and VICE-PRESIDENT FOR ADMINISTRATION AND
FOR ARGONNE NATIONAL LABORATORY

Agreed this 4th day of November, 1993.

By 
Norman R. Niedergang
Associate Division Director
Office of RCRA, Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this 12th day of November, 1993.


William E. Muno, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

IN THE MATTER OF:

UNIVERSITY OF CHICAGO
5801 SOUTH ELLIS AVENUE
CHICAGO, ILLINOIS 60637
DOCKET NO. V-W-024-92

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Consent Agreement and Final Order to be served upon the person's designated below, on the date below, by causing said copies to be delivered:

By 1st Class Mail to: Arthur Sussman
Registered Agent
The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637

~~Hand delivery to:~~ Robert L. Graham
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611

Steve Beaudoin
Facility Contact
Office of Safety and
Environmental Affairs
The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637

I have further caused the original of the Consent Agreement and Final Order and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 77 West Jackson Blvd., Chicago, Illinois 60604, on the date below.

This is said person's last known address to the subscriber.

Dated this 15th day of November 1993.

Anita M. Perry
Secretary, RCRA ENFORCEMENT BRANCH
U.S. EPA, REGION V